

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

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|------------------------------|---|----------------------------|
| KRISTEN BROWN, ET AL., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. 4:12-cv-00649-AGF |
| |) | |
| KENNETH L. DAVIS, JR., |) | |
| |) | |
| And |) | |
| |) | |
| WILLIAM DAVIS, |) | |
| |) | |
| And |) | |
| |) | |
| WILLIAM DAVIS LOGGING, INC., |) | |
| |) | |
| Defendants. |) | |

AMENDED JOINT CASE MANAGEMENT ORDER

COME NOW the parties, by and through their attorneys of record, and pursuant to this Court's Order of February 26, 2013 (Doc.#46) hereby submit the following Amended Joint Case Management Order:

- (a) Track Assignment: The parties agree that Track 2 Assignment is appropriate.
- (b) Deadlines for Joinder of Additional Parties and Amendment of Pleadings: All motions to join additional parties or to amend the pleadings must be filed by **September 1, 2013**.
- (c) Discovery Plan:
 - i. The parties shall make their initial disclosures as required under Federal Rule of Civil Procedure 26(a)(1) by **May 1, 2013**.
 - ii. Discovery shall not be conducted in phases or be limited to certain issues.
 - iii. The parties have not agreed upon provisions for the disclosure of electronically stored information as both parties believe that this case does not require extensive

discovery of electronic information.

iv. Plaintiffs shall make their expert disclosures required under Federal Rule of Civil Procedure 26(a)(2) no later than **August 1, 2013**, and any depositions of Plaintiff's expert witnesses shall be completed by **September 2, 2013**. Defendant shall make their expert disclosures required under Federal Rule of Civil Procedure 26(a)(2) no later than **October 1, 2013**, and any depositions of Defendants' expert witnesses shall be completed by **November 1, 2013**.

All motions filed pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) shall be filed no later than **November 15, 2013**.

v. At this time, the parties believe that the presumptive limits of ten depositions per side and twenty five interrogatories per party should apply.

vi. Parties do not believe there will exist a need for physical or mental examinations pursuant to Rule 35, Fed. R. Civ. P.

vii. All discovery shall be completed by **November 15, 2013**.

viii. No other matters are pertinent to the completion of discovery in this case.

(d) Alternative Dispute Resolution: The parties believe that referral of this action to Alternative Dispute Resolution (mediation) may be useful and believe that a referral after **June 1, 2013**, concluding or terminating on **July 31, 2013**, would be most productive.

(e) Dispositive Motions: All dispositive motions shall be filed by **January 1, 2014**. Opposition briefs shall be filed no later than **February 1, 2014** and any reply brief may be filed no later than **February 15, 2014**.

(f) Trial Date: The parties propose that trial of this action be set any time after **July 15, 2014**.

(g) Estimated Length of Trial. The parties estimate that trial will take 5-10 days.

(h) Other Matters. There are no other matters to be included in this Joint Scheduling Plan.

WITZEL, KANZLER, DIMMITT,
KENNEY & KANZLER, LLC.

DeFRANCO & BRADLEY, P.C.

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Certificate of Service

I hereby certify that on April 25, 2013 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/David A. Dimmitt